



House of Representatives

File No. 915

General Assembly

January Session, 2015

(Reprint of File No. 646)

Substitute House Bill No. 5101
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2015

AN ACT CONCERNING PUBLIC POOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) The Commissioner of Public Health shall establish a Public
4 Health Code and, from time to time, amend the same. The Public
5 Health Code may provide for the preservation and improvement of
6 the public health.

7 (1) Said code may include regulations pertaining to retail food
8 establishments, including, but not limited to, food service
9 establishments, catering food service establishments and itinerant food
10 vending establishments and the required permitting from local health
11 departments or districts to operate such establishments.

12 (2) Drainage and toilet systems to be installed in any house or
13 building arranged or designed for human habitation, or field
14 sanitation provided for agricultural workers or migratory farm
15 laborers, shall conform to minimum requirements prescribed in said

16 code.

17 (3) Said code may include regulations requiring toilets and
18 handwashing facilities in large stores, as defined in such regulations,
19 in shopping centers and in places dispensing food or drink for
20 consumption on the premises, for the use of patrons of such
21 establishments, except that the provisions of such regulations shall not
22 apply to such establishments constructed or altered pursuant to plans
23 and specifications approved or building permits issued prior to
24 October 1, 1977.

25 (4) The provisions of such regulations (A) with respect to the
26 requirement of employing a qualified food operator and any reporting
27 requirements relative to such operator, shall not apply to an owner or
28 operator of a soup kitchen who relies exclusively on services provided
29 by volunteers, and (B) shall not prohibit the sale or distribution of food
30 at a noncommercial function such as an educational, religious, political
31 or charitable organization's bake sale or potluck supper provided the
32 seller or person distributing such food maintains such food under the
33 temperature, pH level and water activity level conditions that will
34 inhibit the rapid and progressive growth of infectious or toxigenic
35 microorganisms. For the purposes of this section, a "noncommercial
36 function" means a function where food is sold or distributed by a
37 person not regularly engaged in the for profit business of selling such
38 food.

39 (5) The provisions of such regulations with respect to qualified food
40 operators shall require that the contents of the test administered to
41 qualified food operators include elements testing the qualified food
42 operator's knowledge of food allergies.

43 (6) Each regulation adopted by the Commissioner of Public Health
44 shall state the date on which it shall take effect, and a copy of the
45 regulation, signed by the Commissioner of Public Health, shall be filed
46 in the office of the Secretary of the State and a copy sent by said
47 commissioner to each director of health, and such regulation shall be

48 published in such manner as the Commissioner of Public Health may
49 determine.

50 (7) Any person who violates any provision of the Public Health
51 Code shall be guilty of a class C misdemeanor.

52 (b) [Notwithstanding any regulations to the contrary, the] The
53 Commissioner of Public Health shall charge the following fees for the
54 following services: [(1) Review of plans for each public swimming
55 pool, seven hundred fifty dollars; (2) review of each resubmitted plan
56 for each public swimming pool, two hundred fifty dollars; (3)
57 inspection of each public swimming pool, two hundred dollars; (4)
58 reinspection of each public swimming pool, one hundred fifty dollars;
59 (5) review] (1) Review of each small flow plan for subsurface sewage
60 disposal, two hundred dollars; and [(6)] (2) review of each large flow
61 plan for subsurface sewage disposal, six hundred twenty-five dollars.
62 The commissioner shall amend the regulations adopted pursuant to
63 this section as necessary to implement the provisions of this
64 subsection.

65 (c) (1) For purposes of this subsection, "public pool" means an
66 artificial basin constructed of concrete, steel, fiberglass or other
67 impervious material and equipped with a controlled water supply that
68 is intended for recreational bathing, swimming, diving or therapeutic
69 purposes and includes, but is not limited to, any related equipment,
70 structure, area or enclosure intended for the use of any person using or
71 staffing such pool. "Public pool" does not include an artificial basin
72 provided with a controlled water supply that is intended for use at a
73 single-family residence, except when such basin is used for commercial
74 or business purposes at such residence.

75 (2) The Department of Public Health shall classify public pools into
76 one of the following categories:

77 (A) Public swimming pool, which is a pool used or intended to be
78 used for recreational bathing, swimming or water recreation activities;

79 (B) Public wading pool, which is a pool principally used or intended
80 to be used for wading and recreational bathing by small children;

81 (C) Public spa, which is a pool used for recreational bathing in
82 conjunction with a high-velocity air system, a high-velocity water
83 recirculation system, hot water, cold water, a mineral bath or any
84 combination thereof;

85 (D) Public diving pool, which is a pool used solely for diving or the
86 instruction and practicing of diving techniques; or

87 (E) Special purpose public pool, which is a pool used for a
88 specialized purpose, including, but not limited to, a splash pad or
89 spray park where the water is recirculated, water flume, pool used for
90 scuba diving instruction, therapeutic pool, hydrotherapy pool or a
91 pool used in an aquatics program for handicapped persons. Special
92 purpose public pool does not include a flotation vessel, which shall not
93 be subject to review by the Department of Public Health. For purposes
94 of this subparagraph, "flotation vessel" means a tank devoid of light
95 and sound and containing salt water in which a person floats for
96 purposes including, but not limited to, meditation, relaxation and
97 alternative medicine.

98 (3) The commissioner shall charge the following fees for the
99 following services: (A) Review of plans for a public pool, seven
100 hundred fifty dollars; (B) review of a resubmitted plan for a public
101 pool, two hundred fifty dollars; (C) initial inspection of a public pool,
102 two hundred dollars; and (D) any subsequent inspection of a public
103 pool, one hundred fifty dollars. The commissioner shall amend the
104 regulations adopted pursuant to this section as necessary to implement
105 the provisions of this subsection.

106 [(c)] (4) Notwithstanding subsection (a) of this section, regulations
107 governing the safety of [swimming] public pools shall not require
108 fences around naturally formed ponds subsequently converted to
109 [swimming] public pool use, provided the converted ponds [(1)] (A)
110 retain sloping sides common to natural ponds, and [(2)] (B) are on

111 property surrounded by a fence.

112 (d) The local director of health may authorize the use of an existing
113 private well, consistent with all applicable sections of the regulations
114 of Connecticut state agencies, the installation of a replacement well at a
115 single-family residential premises on property whose boundary is
116 located within two hundred feet of an approved community water
117 supply system, measured along a street, alley or easement, where (1) a
118 premises that is not connected to the public water supply may replace
119 a well used for domestic purposes if water quality testing is performed
120 at the time of the installation, and for at least every ten years thereafter,
121 or for such time as requested by the local director of health, that
122 demonstrates that the replacement well meets the water quality
123 standards for private wells established in the Public Health Code, and
124 provided there is no service to the premises by a public water supply,
125 or (2) a premises served by a public water supply may utilize or
126 replace an existing well or install a new well solely for irrigation
127 purposes or other outdoor water uses provided such well is
128 permanently and physically separated from the internal plumbing
129 system of the premises and a reduced pressure device is installed to
130 protect against a cross connection with the public water supply. Upon
131 a determination by the local director of health that an irrigation well
132 creates an unacceptable risk of injury to the health or safety of persons
133 using the water, to the general public, or to any public water supply,
134 the local director of health may issue an order requiring the immediate
135 implementation of mitigation measures, up to and including
136 permanent abandonment of the well, in accordance with the
137 provisions of the Connecticut Well Drilling Code adopted pursuant to
138 section 25-128. In the event a cross connection with the public water
139 system is found, the owner of the system may terminate service to the
140 premises.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	October 1, 2015	19a-36
-----------	-----------------	--------

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which adds statutory definitions concerning existing fees for public pool plan reviews and inspections by the Department of Public Health, has no fiscal impact.

House "A" adds a provision related to single-family residential pools that has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5101 (as amended by House "A")******AN ACT CONCERNING PUBLIC POOLS.*****SUMMARY:**

This bill adds statutory definitions, generally similar to existing regulations, concerning existing fees for public pool plan reviews and inspections by the Department of Public Health (DPH). Similar to the regulations, the bill requires DPH to classify public pools as belonging in one of five categories. The fees are the same for all categories.

Unlike the regulations, it specifies that a "flotation vessel" is not a public pool and is not subject to these fees or other review by DPH. The bill defines a flotation vessel as a salt water tank, devoid of light and sound, in which a person floats for purposes such as meditation, relaxation, and alternative medicine.

Also unlike the regulations, the bill specifically classifies splash pads and spray parks as public pools, thus making them subject to fees and DPH oversight.

Current law requires DPH to charge these fees, as well as fees for its review of subsurface sewage disposal flow plans, despite any regulations to the contrary. The bill instead requires the commissioner to amend regulations as needed to implement these fee requirements.

The bill also makes technical and conforming changes.

*House Amendment "A" adds a provision, similar to existing regulations, specifying that single-family residential pools are not public pools unless they are used for commercial or business purposes.

EFFECTIVE DATE: October 1, 2015

PUBLIC POOLS

Current law requires DPH to charge the following fees for plan reviews and inspections of public swimming pools:

1. \$750 to review a pool plan,
2. \$250 to review a resubmitted plan,
3. \$200 for a pool inspection, and
4. \$150 for a reinspection.

The bill retains these fees but refers to “public pools” rather than “public swimming pools” as the overarching category. Similar to existing regulations, it defines a “public pool” as an artificial basin constructed of concrete, steel, fiberglass, or other impervious material and equipped with a controlled water supply that is intended for recreational bathing, swimming, diving, or therapeutic purposes. The term includes any related equipment, structure, area, or enclosure intended for use by anyone using or staffing the pool. Pools intended for use at a single-family residence are not considered public pools, unless used for commercial or business purposes.

Similar to existing regulations, the bill requires DPH to classify public pools as belonging in one of five categories, defined as follows:

1. a “public swimming pool” is a pool used or intended for recreational bathing, swimming, or water recreation activities;
2. a “public wading pool” is a pool principally used or intended for wading and recreational bathing by small children;
3. a “public spa” is a pool used for recreational bathing in conjunction with a high-velocity water recirculation or air system, hot water, cold water, a mineral bath, or any combination of these;

4. a “public diving pool” is a pool used solely for diving or the instruction and practicing of diving techniques; and
5. a “special purpose public pool” is a pool used for a specialized purpose, including: a splash pad or spray park where water is recirculated; water flume; scuba diving instruction pool; therapeutic pool; hydrotherapy pool; or pool used in an aquatics program for handicapped persons. The term does not include a “flotation vessel.”

BACKGROUND

Public Pool Regulations

Under existing regulations, public pool construction or reconstruction plans must be approved in accordance with DPH’s Public Swimming Pool Design Guide. The regulations set requirements for public pools, such as supervisory personnel; water quality and PH level; signs (e.g., warning when no lifeguard is on duty); and barriers to discourage unauthorized access. There are additional requirements for certain types of pools (e.g., public swimming pools and diving pools must have depth markers) (Conn. Agencies Reg., § 19-13-B33b).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/30/2015)